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NO FEE – GOV'T CODE § 6103

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA
14 COUNTY OF LOS ANGELES, CENTRAL DISTRICT

15 THE PEOPLE OF THE STATE OF CALIFORNIA,

16 Plaintiff,

17 vs.

18 FREETOWN HOLDINGS COMPANY, a California
19 corporation;
20 ABDUL JAMAL SHERIFF, an individual; and
21 DOES 1 through 50, inclusive,

22 Defendants.

Case No.: **BC 718027**

**COMPLAINT FOR ABATEMENT AND
INJUNCTION**

[Civil Code section 3479, et seq.;
Business and Professions Code section
17200, et seq.]

(Unlimited Action)

23 PLAINTIFF, THE PEOPLE OF THE STATE OF CALIFORNIA, alleges as follows:

24 **I. INTRODUCTION**

25 1. This action ("Action") is brought and prosecuted by Plaintiff, the People of the
26 State of California, for the purpose of abating a violent, gang-related general public
27 nuisance that exists at Holiday Liquor, a liquor store located at 4966 W. Adams Blvd. in the
28 West Adams neighborhood of Los Angeles ("Property" or "Holiday Liquor"). Holiday Liquor
is located within four blocks of two schools: Stella Middle Charter Academy and Cienega
Elementary School. It is also located within two blocks of three churches, one of which is
right next door: Church of the Advent, West Adams Foursquare Church, and St. Agatha
Catholic Church. The Action is brought pursuant to the Public Nuisance Law, Civil Code

1 section 3479 *et seq.* ("PNL"); and the Unfair Competition Law, Business and Professions
2 Code section 17200, *et seq.* ("UCL").

3 2. Holiday Liquor is within the territory of a violent criminal street gang known as
4 the West Boulevard Crips ("WBC"), and it is the site of frequent, gang-related violent
5 crimes. Since 2016, the Los Angeles Police Department ("LAPD") has documented—
6 among other crimes—three shootings, an assault with a deadly weapon, a robbery, an
7 attempted robbery, and a battery at Holiday Liquor.

8 3. WBC gang members are a regular presence at Holiday Liquor, which serves
9 as an anchor point for the gang. The liquor store is attractive to WBC gangsters in part
10 because it is open late, until 2:00 a.m., and it is a convenient place to buy single-serving
11 containers of alcohol and cigarettes/cigars, which gang members and transients often
12 consume while loitering in the area of the liquor store. Further, WBC gang members
13 aggressively defend Holiday Liquor as part of their turf. For example, they ask anyone
14 entering the store, whom they perceive to be a possible rival gang member, "Where you
15 from?"—slang for, "What gang are you in?" Such encounters between rival gang members
16 have repeatedly triggered violent confrontations at the store. Indeed, the same WBC gang
17 member has been shot on two separate occasions, once in 2017 and once in 2018, while
18 loitering in front of Holiday Liquor. Separately, in another confrontation inside the store
19 earlier this year, two WBC gangsters beat a rival gang member with a bottle until he lost
20 consciousness.

21 4. As the most recent shooting vividly illustrates, the violent, gang-related
22 criminal activity at Holiday Liquor is injurious to the health and safety of the surrounding
23 community. In May 2018, two innocent bystanders were shot during a confrontation
24 between rival gang members at the Property. The dispute began with an argument at the
25 entrance to Holiday Liquor, and ended in a shootout in front of the store. Unfortunately, two
26 bystanders were caught in the crossfire while they attempted to flee the gunfire in their
27 vehicle. One suffered a gunshot wound to the arm, and the other a gunshot wound to the
28 face. Two WBC gang members were also shot in the incident. Moreover, a nearby church

1 reported two bullet holes in its windows. This most recent shooting is the third gang-related
2 shooting at Holiday Liquor since May 2016.

3 5. Gang-related criminal activity at the Property is ever-present and ongoing.
4 Most recently, on August 9, 2018, LAPD arrested a suspect with multiple WBC gang tattoos
5 for selling narcotics while loitering in and around Holiday Liquor. Officers observed him
6 going in and out of the store repeatedly prior to selling narcotics nearby. When LAPD
7 arrested him, he was sweeping up outside the store as though he worked there.

8 6. Gang-related, violent criminal activity is continuing and will continue at
9 Holiday Liquor until and unless Defendants, who are the owners and managers of the
10 Property and Holiday Liquor, take reasonable steps to prevent it. As a result of this criminal
11 activity, and in an attempt to deter it, LAPD has regularly directed extra resources to the
12 Property. LAPD and personnel from the City Attorney's Office have met with the store's
13 owner, Defendant ABDUL JAMAR SHERIFF, on multiple occasions in the past to suggest
14 various remedial measures that SHERIFF could implement to abate and prevent the gang-
15 related public nuisance at Holiday Liquor. To date, however, SHERIFF has refused to
16 implement some of the most important suggestions, such as: (a) hire security guards,
17 (b) adjust Holiday Liquor's hours of operation, and (c) cease selling single-serving
18 containers of alcohol. Moreover, SHERIFF has occasionally refused to cooperate with law
19 enforcement in their investigation and prosecution of gang-related crimes at his store—
20 perhaps due to fear of retaliation by the WBC gang members who frequent the location.
21 Rather than taking the foregoing reasonable steps to abate and prevent the nuisance,
22 SHERIFF and/or his employees opted instead to illegally keep a .40 caliber handgun under
23 the cash register, as LAPD discovered during a 2015 Department of Alcoholic Beverage
24 Control inspection. Officers confiscated the gun, which had been reported stolen.

25 7. Accordingly, the People bring this nuisance abatement prosecution to protect
26 the health and safety of the community surrounding Holiday Liquor and to obtain an
27 injunction requiring Defendants to exercise reasonable care to prevent the public nuisance
28 at the Property.

1 II. THE PARTIES AND THE PROPERTY

2 A. Plaintiff

3 8. Plaintiff, the People, is the sovereign power of the State of California
4 designated in Code of Civil Procedure section 731 and Business and Professions Code
5 section 17204 to be the complaining party in law enforcement actions brought to abate,
6 enjoin, and penalize public nuisances and unfair competition, respectively.

7 B. The Defendants

8 9. Defendant FREETOWN HOLDINGS COMPANY is a California corporation.
9 FREETOWN HOLDINGS COMPANY has been the title owner of the Property since May
10 30, 2018. Defendant ABDUL JAMAL SHERIFF is the Chief Executive Officer, Chief
11 Financial Officer, Secretary, and President of FREETOWN HOLDINGS COMPANY.

12 10. Defendant ABDUL JAMAL SHERIFF, 48, is the sole proprietor of Holiday
13 Liquor, the liquor store that he operates on the Property.

14 11. Defendant SHERIFF was the title owner of the Property from on or about
15 November 23, 2005 through May 30, 2018. On or about May 30, 2018, SHERIFF deeded
16 the Property to Defendant FREETOWN HOLDINGS COMPANY, a corporation he controls
17 as set forth above. Accordingly, SHERIFF has owned and controlled the Property and
18 Holiday Liquor since at least 2005. Upon information and belief, SHERIFF lives in a
19 multimillion dollar home less than five miles from Holiday Liquor, and he owns at least one
20 other liquor store in the greater Los Angeles area.

21 12. The true names and capacities of Defendants sued herein as DOES 1
22 through 50, inclusive, are unknown to Plaintiff, who therefore sues said Defendants by such
23 fictitious names. When the true names and capacities of said Defendants have been
24 ascertained, Plaintiff will ask leave of the Court to amend this Complaint and to insert in lieu
25 of such fictitious names the true names and capacities of said fictitiously named
26 Defendants.

27 C. The Property

28 13. The Property consists of a liquor store, called Holiday Liquor, located at the

1 commonly-known address of 4966 W. Adams Blvd., Los Angeles, California 90016, in the
2 West Adams neighborhood of Southwest Los Angeles. The Property has a reputation in the
3 community, and among law enforcement officers, as a gang hangout for WBC gang
4 members.

5 14. The Property's legal description is, "Lot 22 of Tract No. 1601, in the City of
6 Los Angeles, County of Los Angeles, State of California, as per Map recorded in Book 21,
7 Pages 6 and 7 of Maps, in the Office of the County Recorder of said County," with
8 Assessor's Parcel Number 5049-003-003.

9 **III. THE PUBLIC NUISANCE LAW**

10 15. "Abatement of nuisances is a long established and well recognized exercise
11 of the state's police power." (*People ex rel. Hicks v. Sarong Gals* (1974) 42 Cal.App.3d
12 556, 563; *People ex rel. Bradford v. Barbieri* (1917) 33 Cal.App. 770, 775-778.) Civil Code
13 section 3479 defines a nuisance as "[a]nything which is injurious to health, including, but
14 not limited to, the illegal sale of controlled substances, or is indecent or offensive to the
15 senses, or an obstruction to the free use of property, so as to interfere with the comfortable
16 enjoyment of life or property" (*Bakersfield v. Miller* (1966) 64 Cal.2d 93, 99 ["The
17 Legislature has defined in general terms the word 'nuisance' in Civil Code section 3479".])

18 16. Civil Code section 3480 defines a public nuisance as "one which affects at the
19 same time an entire community or neighborhood, or any considerable number of persons,
20 although the extent of the annoyance or damage inflicted upon individuals may be
21 unequal."

22 17. The case law is "replete with examples" of "the threat violent street gangs and
23 associated illicit drug dealing pose to the safety of peaceful Californians" (*Castaneda*
24 *v. Olsher* (2007) 41 Cal.4th 1205, 1216.) The California Supreme Court has explicitly
25 recognized that "[s]treet gang activity can often subject residents . . . to unacceptable levels
26 of fear and risk." (*Ibid.*) In *Medina v. Hillshore Partners* (1995) 40 Cal.App.4th 477, 486,
27 involving a wrongful death claim by the mother of a young man shot by gang members at
28 an apartment complex, the court said, "We agree that the congregation of gangs poses a

1 foreseeable risk of harm to the public.” In particular, the whole spectrum of typical street
2 gang conduct, ranging from loitering, to public drinking and boisterousness, to drug dealing,
3 to gunfire, has been held to “easily meet the statutory standard” for a public nuisance under
4 the PNL. (*People ex rel. Gallo v. Acuna* (1997) 14 Cal.4th 1090, 1120.)

5 18. Under Civil Code section 3491, “The remedies against a public nuisance are:
6 1. Indictment or information; 2. A civil action; or, 3. Abatement.” “An abatement of a
7 nuisance is accomplished by a court of equity by means of an injunction proper and
8 suitable to the facts of each case.” (*Sullivan v. Royer* (1887) 72 Cal. 248, 249.)

9 19. Code of Civil Procedure section 731 authorizes a city attorney to bring an
10 action to enjoin or abate a public nuisance. It provides, in pertinent part, “A civil action may
11 be brought in the name of the people of the State of California to abate a public nuisance
12 . . . by the city attorney of any town or city in which the nuisance exists.” (*Ibid.*)

13 20. Where “a building or other property is so used as to make it a nuisance under
14 the statute, the nuisance may be abated . . . , notwithstanding that the owner had no
15 knowledge that it was used for the unlawful purpose constituting a nuisance.” (*People ex*
16 *rel. Bradford v. Barbieri* (1917) 33 Cal.App. 770, 779; see also *Sturges v. Charles L.*
17 *Harney, Inc.* (1958) 165 Cal.App.2d 306, 318 [“a nuisance and liability therefor may exist
18 without negligence”]; *People v. McCaddon* (1920) 48 Cal.App. 790, 792 [“A judgment
19 supported on findings that such nuisance was conducted and maintained on the premises
20 in question, regardless of the knowledge of the owner thereof, is sufficient”].) Courts apply
21 this strict standard because “the object of the act is not to punish; its purpose is to effect a
22 reformation in the property itself.” (See *People v. Bayside Land Co.* (1920) 48 Cal.App.
23 257, 261 [Red Light Abatement Act].) The fact that a defendant’s conduct consists of
24 omission rather than affirmative action “does not preclude nuisance liability.” (*Birke v.*
25 *Oakwood Worldwide* (2009) 169 Cal.App.4th 1540, 1552.) Any party that owns or otherwise
26 controls property has an “indisputable duty to take reasonable steps to maintain its
27 premises in a reasonably safe condition.” (*Ibid.*)

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IV. UNFAIR COMPETITION LAW

21. The UCL, at Business and Professions Code section 17200 *et seq.*, forbids any business practices otherwise forbidden by law, be it criminal, federal, state, municipal, statutory, regulatory, or court-made. As the California Supreme Court has explained, the UCL “ ‘borrows’ violations of other laws and treats them as unlawful practices independently actionable under section 17200 *et seq.*” ’ (*Hewlett v. Squaw Valley Ski Corp.* [(1997)] 54 Cal. App. 4th [499,] 531-532, citing *Saunders v. Superior Court* [(1994)] 27 Cal. App. 4th [832,] 838-839[.]” (*South Bay Chevrolet v. General Motors Acceptance Corp.* (1999) 72 Cal.App.4th 861, 880.)

22. As proscribed by the UCL, “[a]n ‘unlawful business activity’ includes “ ‘anything that can properly be called a business practice and that at the same time is forbidden by law.” ’ [Citation.]” (*People v. McKale* (1979) 25 Cal.3d 626, 632.) “Any person who engages, has engaged, or proposes to engage in unfair competition may be enjoined in any court of competent jurisdiction.” (Bus. & Prof. Code, § 17203.) The term person includes “natural persons, corporations, firms, partnerships, joint stock companies, associations and other organizations of persons.” (Bus. & Prof. Code, § 17201.) The courts have expanded section 17200’s net beyond direct liability to include common law doctrines of secondary liability where the liability of each defendant is predicated on his or her personal participation in the unlawful practices. (*People v. Toomey* (1984) 157 Cal.App.3d 1, 14-15.)

23. Civil actions under the UCL may be brought in the name of the People of the State of California by any city attorney of a city having a population in excess of 750,000 (Bus. & Prof. Code, § 17204), such as the City of Los Angeles. A public entity can sue pursuant to section 17200 based on violations of its own municipal code, state law, or other local ordinance. (See *People v. Thomas Shelton Powers, M.D., Inc.* (1992) 2 Cal.App.4th 330, 338-339.)

24. Defendants engaging in violations of the UCL may be enjoined in any court of competent jurisdiction. (Bus. & Prof. Code, § 17203.) A court may make such orders or

1 judgments, including the appointment of a receiver, as may be necessary to prevent the
2 use or employment by any person of any practice constituting unfair competition. (*Ibid.*)

3 25. Although no case has specifically been called upon to define the term
4 "business" in section 17200, the courts have frequently given a broad reading to the
5 provisions of the UCL so as to effect its broad remedial purposes. (See, e.g., *Barquis v.*
6 *Merchants Collection Ass'n* (1972) 7 Cal.3d 94, 111-113.) An enterprise engaged entirely in
7 criminal conduct such as the manufacture of illegal drugs or obscene matter is a business
8 for purposes of section 17200. (*People v. EWAP, Inc.* (1980) 106 Cal.App.3d 315, 320-
9 321.) Moreover, even a one-time act of misconduct can constitute a violation of the UCL.
10 (*Klein v. Earth Elements, Inc.* (1997) 59 Cal.App.4th 965, 969.)

11 26. The ownership and operation of a liquor store is a business. When a property
12 owner conducts, maintains, or permits a nuisance that is unlawful under the PNL to exist on
13 the premises of such a business, it is a violation of the UCL. (See *City and County of San*
14 *Francisco v. Sainez* (2000) 77 Cal.App.4th 1302, 1305-1308 [affirming UCL penalties for
15 building code violations at multi-unit rental property].)

16 **V. FIRST CAUSE OF ACTION FOR PUBLIC NUISANCE**

17 **[Civil Code Section 3479, et seq. --**

18 **Against All Defendants]**

19 27. Plaintiff incorporates Paragraphs 1 through 26 above as if fully alleged herein.

20 28. From an exact date unknown but at least since 2011 and through the present
21 time, Defendants and Does 1 through 50 have owned, operated, occupied, used, and/or
22 directly or indirectly permitted to be occupied and used, the Property in such a manner as
23 to constitute a public nuisance in violation of Civil Code sections 3479, et seq. The public
24 nuisance, as described herein, is injurious to health, indecent or offensive to the senses,
25 and/or an obstruction to the free use of property, so as to substantially and unreasonably
26 interfere with the comfortable enjoyment of life or property by those persons living in the
27 community surrounding the Property. The public nuisance consists of, but is not limited to,
28 the threatening, violent, and disorderly presence of gang members and/or their associates

1 at the Property; and the shootings, robberies, assaults, and batteries committed at the
2 Property.

3 29. Defendants, and Does 1 through 50, have failed to prevent or abate the
4 ongoing nuisance at the Property, and as result of this failure and their mismanagement of
5 the Property, have caused and/or contributed to a serious threat to the general health,
6 safety, and welfare of the law-abiding patrons of Holiday Liquor and persons in the area
7 surrounding the Property.

8 30. Unless Defendants, and Does 1 through 50, are restrained and enjoined by
9 order of this Court, they will continue to use, occupy, and maintain, and to aid, abet, or
10 permit, directly or indirectly, the use, occupation, and maintenance of the Property, together
11 with the fixtures and appurtenances located therein, for the purpose complained of herein,
12 to the great and irreparable damage of Plaintiff and in violation of California law.

13 **VI. SECOND CAUSE OF ACTION FOR UNFAIR COMPETITION**

14 **[Business and Professions Code Section 17200, et seq. --**

15 **Against All Defendants]**

16 31. Plaintiff hereby incorporates paragraphs 1 through 30 above as if fully alleged
17 herein.

18 32. Ownership and operation of a liquor store, such as Holiday Liquor, is a
19 business. When the owner of such a business violates the PNL such that a nuisance exists
20 and flourishes at the business's premises, as alleged herein, it is also a violation of the
21 UCL.

22 33. Defendants and Does 1 through 50 have violated the UCL by conducting,
23 maintaining, and/or permitting, directly or indirectly, a nuisance in violation of the PNL at the
24 Property, as alleged herein.

25 36. Plaintiff has no adequate remedy at law, and unless Defendants and Does 1
26 through 50 are restrained by this Court they will continue to commit unlawful business
27 practices or acts, thereby causing irreparable injury and harm to the public's welfare.

28 ///

1 PRAYER

2 WHEREFORE, PLAINTIFF PRAYS THAT THIS COURT ORDER, ADJUDGE AND
3 DECREE AS FOLLOWS:

4 AS TO THE FIRST CAUSE OF ACTION

5 1. That the Property, together with the fixtures and moveable property therein
6 and thereon, be declared a public nuisance and be permanently abated as such in
7 accordance with Civil Code section 3491.

8 2. That each Defendant and their agents, officers, employees and anyone acting
9 on their behalf, and their heirs and assignees, be preliminarily and perpetually enjoined
10 from operating, conducting, using, occupying, or in any way permitting the use of the
11 Property as a public nuisance. Such orders should include physical and managerial
12 improvements to the Property, including but not limited to orders that Defendants hire state-
13 licensed security guards, maintain high-resolution video surveillance cameras, adjust
14 Holiday Liquor's hours of operation, and cease selling single-serving containers of alcohol;
15 the appointment of a receiver to carry out the Court's orders; and such other orders as are
16 appropriate to remedy the nuisance on the Property and enhance the abatement process.

17 3. That Plaintiff be awarded such costs as may occur in abating said nuisance at
18 the Property and such other costs as the Court shall deem just and proper.

19 4. That Plaintiff be granted such other and further relief as the Court deems just
20 and proper, including closure and/or demolition of the Property.

21 AS TO THE SECOND CAUSE OF ACTION

22 1. That each Defendant be declared in violation of Business and Professions
23 Code section 17200.

24 2. That each Defendant, as well as their agents, heirs, successors, and anyone
25 acting on their behalf, be permanently enjoined from maintaining, operating, or permitting
26 any unlawful or unfair business acts or practices in violation of Business and Professions
27 Code section 17200.

28 3. That the Court grant a preliminary and/or permanent injunction prohibiting

1 each Defendant, as well as their agents, heirs, successors, and anyone acting on their
2 behalf, from engaging in the unlawful or unfair acts and/or practices described herein at the
3 Property and in the City of Los Angeles. Such orders should include physical and
4 managerial improvements to the Property.

5 4. That, pursuant to Business and Professions Code section 17206, each
6 Defendant be assessed a civil penalty of \$2,500 for each and every act of unfair
7 competition. Since each Defendant has engaged in a continuing nuisance, each day
8 constitutes an act of unfair competition and Defendant should be assessed a civil penalty
9 not to exceed \$3.65 million dollars.

10 5. That, pursuant to the Court's equitable power and Business and Professions
11 Code section 17203, the Court make such orders or judgments, including appointment of a
12 receiver, to eliminate the unfair competition alleged herein.

13 AS TO ALL CAUSES OF ACTION

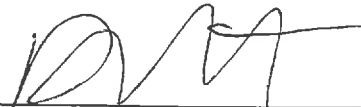
14 1. That Plaintiff recover the amount of the filing fees and the amount of the fee
15 for the service of process or notices which would have been paid but for Government Code
16 section 6103.5, designating it as such. The fees may, at the Court's discretion, include the
17 amount of the fees for certifying and preparing transcripts.

18 2. That Plaintiff be granted such other and further relief as the Court deems just
19 and proper.

20
21 DATED: August 16, 2018

Respectfully submitted,

22
23 MICHAEL N. FEUER, City Attorney
24 JONATHAN CRISTALL, Assistant City Attorney
25 LIORA FORMAN-ECHOLS, Asst. Superv. Deputy
26 City Attorney

27 By: 
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